

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62502 of 2018

Arising Out of PS.Case No. -66 Year- 2018 Thana -GOPALPUR District- GOPALGANJ

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1. Md. Nazir Alam @ Mohammad Najir Alam @ Nazir Ahmad @ Nazeer Ahmad Son of Late Abdul Rahman, Resident of Village- Piprahi, Police Station- Uchakagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 447, 448, 341, 323, 379, 307, 354, 504/34 of the Indian Penal Code and Sections-25(1-b)a, 35, 37(b) of the Arms Act.

The allegation against the petitioner is of assaulting the informant by means of butt of gun.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. Allegedly, the petitioner used the butt of the gun for assaulting the informant and his mother. The act of the petitioner



using the butt of the gun itself indicates that he had no intention to commit murder of anybody. Hence, no offence u/S 307 of the Indian Penal Code is made out. So far offence under the Arms Act is concerned, the ballistic report of the arms in question shows that the gun was non-effective. This suggests that no offence under the provisions of the Arms Act can be made out in this case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Gopalganj in connection with Gopalpur P.S. Case No. 66 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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